IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.344 OF 2007

HDFC Bank Limited .. Petitioner.

Versus

M/s.Jai Balaji Tours & Travels & Anr. .. Respondents.

AND

ARBITRATION PETITION NO.345 OF 2007

HDFC Bank Limited .. Petitioner.

Versus

M/s.Jai Balaji Tours & Travels & Anr. .. Respondents.

Ms.N.Singh i/b.Mahesh Menon & Co. for petitioner.

Mr.C.M.Lokesh i/b.Hegde & Associates for respondent No.5.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th October, 2007.

P.C.:

1. These arbitration petitions under Section 9 of the Arbitration and Conciliation Act, 1996, against the

respondents, who are borrowers and the guarantors, are claiming interim measures during the pendency of the arbitral proceedings. The petitioner states that Clause 29 of the Agreement is an arbitration clause. The Arbitrator is already appointed. However, during the pendency of the arbitration, the subject matter of the same be preserved and protected. The subject matter is a vehicle, which is purchased pursuant to the loan facility. The apprehension is that the amounts not being paid and the account being irregular, the respondents may dispose of the vehicle.

2. Ms.Singh after taking instructions makes a statement that the vehicle is being plied by the respondents. It was traced on the Mumbai-Ahmedabad highway recently. In such circumstances, in my view, prima-facie case to the extent of grant of injunction is made out.

3. None appears for the respondent Nos.1 to 4 although they are served. Mr.Lokesh appears for respondent No.5.

4. In the light of the averments made in the petition, there will be an interim order in terms of

prayer clause (e). Liberty is reserved to the petitioner to apply for further reliefs if the vehicle is traced.

5. Liberty is also reserved to proceed against the respondent No.5 for all such interim measures as could be granted so that the ultimate Award is not defeated and frustrated.

6. Petitions are disposed of with liberty as above. All concerned to act upon an authenticated copy of this order.

(S.C.Dharmadhikari, J.)